

6/11/2009

52-O-09

AN ORDINANCE

**Granting Major Variations to Allow
Front-Yard Parking at 848 Ridge Avenue
in the R1 Single-Family Residential District**

WHEREAS, Dace Kezbers (the "Applicant"), owner of the property commonly known as 848 Ridge Avenue (the "Subject Property"), located within the R5 General Residential District and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval for Major Variations pursuant to Sections 6-4-6-3 (B) 18, 6-8-7-9 (A), and 6-8-7-7 (C) 3 of Title 6 of the Evanston City Code of 1979, as amended ("the Zoning Ordinance"); and

WHEREAS, on May 19, 2009, the Zoning Board of Appeals ("ZBA") held a public hearing, pursuant to proper notice, in case no. 09ZMJV-00028, to consider the application, received testimony, made a *verbatim* transcript and written findings that the application met the standards for Major Variations set forth in Section 6-3-8-12 (E) of the Zoning Ordinance, and recommended City Council approval thereof; and

WHEREAS, at its July 13, 2009 meeting, the Planning and Development Committee of the City Council (the "P&D Committee") considered the ZBA's findings and recommendation and recommended City Council approval thereof; and

WHEREAS, at its July 13, 2009 meeting, the City Council considered and adopted the respective records and recommendations of the ZBA and the P&D Committee,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: That the City Council hereby adopts the ZBA's and the P&D Committee's records, findings, and recommendations, and hereby approves the Major Variations on the Subject Property, applied for in case no. 09ZMJV-00028.

SECTION 3: That the Major Variations approved hereby are:

- A.** To allow two (2) open off-street parking spaces approximately fifty-eight feet (58') from the rear lot line. Subsection 6-4-6-3 (B) 18 of the Zoning Ordinance requires open off-street parking to be within thirty feet (30') of the rear lot line; and
- B.** To permit accessory parking within eighty-two hundredths of a foot (0.82') of the north and south lot lines. Subsection 6-8-7-7 (C) 3 of the Zoning Ordinance requires a minimum setback of five feet (5') for accessory uses.

SECTION 4: That, as permitted by Section 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of these Variations, violation of any of which shall constitute grounds for revocation of said Variations pursuant to Subsection 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with all applicable legislation, with the testimony and representations of the Applicant to the ZBA, the P&D Committee, and the City Council, and with the approved plans and documents on file in this case.

- B. Gravel Parking Spaces:** The Applicant shall not pave the open, off-street parking spaces permitted by the terms of this ordinance. To do so would increase the impervious surface coverage to seventy-one and one tenth percent (71.1%), whereas Subsection 6-8-7-9 (A) of the Zoning Ordinance permits a maximum of sixty percent (60%) impervious surface coverage.
- C. Fine for Non-Compliance:** Should the City determine that the Applicant has failed to comply with any of the terms of this ordinance, the City may deliver written notice of non-compliance to the Applicant. If the Applicant does not cure the non-compliance identified in said notice within five (5) days, the Applicant shall owe the City a fine of two hundred fifty and no/100 dollars (\$250.00) per day that the Applicant fails to comply. If, in the City's determination, the Applicant is diligently pursuing the cure of such non-compliance and that such cure cannot be completed within five (5) days, the City may grant the Applicant additional time that the City determines to be reasonably necessary. The Applicant shall pay any such fine within thirty (30) days of written notice from the City to do so.

SECTION 5: That, except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same.

SECTION 6: That, when necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

SECTION 7: That the Applicant shall record a certified copy of this ordinance, at his cost, including all Exhibits attached hereto, with the Cook County Recorder of Deeds.

SECTION 8: That if any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this

ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 9: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: July 13, 2009

Approved:

Adopted: July 13, 2009

August 3, 2009

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

Elke B. Tober-Purze
Elke B. Tober-Purze, Interim
First Assistant Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1: LOT 2 IN OWNER'S RESUBDIVISION OF LOTS 1 AND 2 (EXCEPT THE SOUTH 14 FEET OF SAID LOT 2) IN BLOCK 5 IN PITNER AND SONS ADDITION TO SOUTH EVANSTON IN SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: THE NORTH 10 FEET OF THE SOUTH 14 FEET OF LOT 2 IN RESUBDIVISION OF BLOCK 5 IN PITNER AND SON'S ADDITION TO SOUTH EVANSTON, A SUBDIVISION OF PART OF THE NORTHWEST $\frac{1}{4}$ AND PART OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINS: 11-19-300-032-0000
11-19-300-033-0000

COMMONLY KNOWN AS: 848 Ridge Avenue, Evanston, Illinois.

